(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No.46/2007

Revision Petition under Section 115 of the C.P.C., 1908

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

(Revisionist) Non-Applicant No.3)		National Insurance Company Limited Through: Its Branch Manager, Branch office-Jagdalpur, Distt-Baster (CG)
		Versus
Respondents (Applicant)	1.	Dhanai Bai, W/o Binesh, Aged - 20 years, Occupation – Vegetable Seller, R/o Village – Barbaspur, Post Hatkara, P.S. – Korar, Tah. & Distt. – Kanker (C.G.)
Non-Applicant No. 1	2.	Gopal S/o-Surajuram, Caste Halba, Aged-38 years, R/O-Village-Chilhati, P.S. Korar, Tahsil-Bhanupratappur, Distt.-Kanker (CG) (Driver)
Non-Applicant No. 2	3.	Ramsvarup Pandey, S/O Ramsundar Pandey, R/O-Village-Korar, Tahsil-Bhanupratappur, Distt.- Kanker (CG) (Owner)

Present:-
Shri Dashrath Gupta, counsel for the applicant.

ORAL ORDER
(Passed on 12th April, 2007)

1. Learned counsel for the applicant is aggrieved by the award dated 29.12.2006 passed by the learned M.A.C.T. South Bastar, Distt. Kanker in claim case No.68/2006 whereby compensation of Rs.5,000/- was awarded in favour of the claimant.

2. It is not disputed that the claimant suffered injury as a result of the accident. It is also not disputed that the claimant was travelling in the Matador No. CG 04/ZB/2348 at the time of the accident. It is further not disputed that the vehicle was under a valid policy of insurance at the time of the accident.

3. The only point contended by the learned counsel for the applicant in this revision is that there was a fundamental breach of policy since the goods

vehicle was being used to carry passengers. However, para 13 of the impugned award clearly shows that the Branch Manager of the Insurance Company was examined as a witness, who had testified that besides collecting a premium of Rs.100/- for covering risk of the owner, a premium of Rs.150/- was collected for the risk of the driver, cleaner and labourers, and in addition to this, a premium of Rs.75/- had also been received covering risk of any other person who was being carried in the vehicle.

4. In view of the above, no ground for interference is called for in the award passed by the learned M.A.C.T. This revision, being devoid of merit, is dismissed *in limine*.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya